



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MYRA S. SMITH,

Plaintiff,

- against -

CITY OF NEW YORK,

Defendant.
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23-CV-8229 (JRL) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On February 11, 2025, the Court docketed a declaration dated February 10, 2025, from Plaintiff requesting an extension of time to file “a response to the Defendant motion to dismiss the amended complaint.” (Dkt. 60.) Plaintiff’s letter explains that she did not receive the Defendant’s filing of December 20, 2024 until January 15, 2025.

Defendant filed its motion to dismiss on September 23, 2024. (Dkt. 35-37.) On November 14, 2024, Plaintiff filed “Plaintiff’s Response To Defendant’s Motion To Dismiss The Complaint.” (Dkt. 47.) Defendant filed its reply brief on December 20, 2024. (Dkt. 51.) Plaintiff thus already has filed her brief responding to Defendant’s motion to dismiss, thus rendering her request moot. To the extent Plaintiff is asking to file a sur-reply to Defendant’s reply, the request is denied because (a) there generally is no right to file a sur-reply, (b) Plaintiff has not articulated any reason (let alone a meritorious one) why a sur-reply is warranted, and (c) by Plaintiff’s own admission, she has been in receipt of Defendant’s reply for four weeks but only now has filed a request to respond. Accordingly, Plaintiff’s request for an extension is DENIED.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', is written above a horizontal line.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: February 13, 2025
New York, New York

Copies transmitted this date to all counsel of record. The Clerk of Court is respectfully requested to mail a copy of this order to the pro se Plaintiff and note service on the docket.